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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/604,129	06/27/2003	Chih-Fang Peng	10963-US-PA	1634
31561	7590	11/02/2005	EXAMINER	
JIANQ CHYUN INTELLECTUAL PROPERTY OFFICE 7 FLOOR-1, NO. 100 ROOSEVELT ROAD, SECTION 2 TAIPEI, 100 TAIWAN			WANG, GEORGE Y	
			ART UNIT	PAPER NUMBER
			2871	
DATE MAILED: 11/02/2005				

Please find below and/or attached an Office communication concerning this application or proceeding.

22

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/604,129	PENG, CHIH-FANG	
	<b>Examiner</b>	<b>Art Unit</b>	
	George Y. Wang	2871	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 August 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 3-11 is/are pending in the application.
- 4a) Of the above claim(s) 19-24 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 3-11 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 27 June 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☒ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input type="checkbox"/> Other: _____                                    |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on August 16, 2005 has been entered.

### ***Claim Objections***

2. The numbering of claims is not in accordance with 37 CFR 1.126 which requires the original numbering of the claims to be preserved throughout the prosecution. When claims are canceled, the remaining claims must not be renumbered. When new claims are presented, they must be numbered consecutively beginning with the number next following the highest numbered claims previously presented (whether entered or not).

Misnumbered Claims 12-17 (newly added) have been renumbered to Claims 19-24

(Note: The newly added claims will subsequently be referred to in the following Office Action as Claims 19-24).

### ***Election/Restrictions***

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3. Newly submitted claims 19-24 are directed to an invention that is independent or distinct from the invention originally claimed for the following reasons:

This application contains claims directed to the following patentably distinct species of the claimed invention:

(1) the specifics of the panel carrier comprising a box having a bottom surface with cannellures thereon and a plurality of attaching elements where two ends of each attaching element are inserted into the cannellures on opposing interior lateral surfaces to partition the box into various sizes comprising a first embodiment corresponding to claims 1 and 3-11;

(2) the specifics of the panel carrier comprising a box with bottom cannellures (bottom surface not claimed) and a plurality of attaching elements where two ends of each attaching element are vertical to the bottom cannellures for panel insertion comprising a second embodiment corresponding to claims 19-24.

4. Applicant is required under 35 U.S.C. 121 to elect a single disclosed species for prosecution on the merits to which the claims shall be restricted if no generic claim is finally held to be allowable. Currently, no claims are generic.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claims 19-24 are

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withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

***Priority***

5. Acknowledgment is made of applicant's claim for foreign priority based on an application filed in Taiwan on April 11, 2003. It is noted, however, that applicant has not filed a certified copy of the TW 92108335 application as required by 35 U.S.C. 119(b).

***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

1. Claims 1 and 3-11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ejima et al. (U.S. Patent No. 5,873,468, hereinafter "Ejima") in view of Matsuda et al. (U.S. Patent No. 6,096,808, hereinafter "Matsuda"), and in further view of Iwamoto et al. (U.S. Patent No. 5,950,836, hereinafter "Iwamoto").

2. As to claim 1, Ejima discloses a panel carrier (fig. 1, ref. 11) comprising a box (fig. 1, ref. 21) where the interior lateral surfaces of the box have a plurality of

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cannelures (fig. 1, ref. 21A) and a plurality of attaching elements (fig. 1, ref. 22) where the two ends of each attaching element are inserted into the corresponding cannelures on two opposing lateral surfaces to partition the interior of the box into compartments.

However, the reference fails to specifically disclose the partitioning the interior of the box into compartments of various sizes for panels of different sizes concurrently and the interior of the box comprising a bottom surface with cannelures.

Matsuda discloses a panel carrier comprising a box where the compartments are of various sizes (fig. 4, ref. 18).

Iwamoto discloses an LC panel container having an interior bottom surface with cannelures (fig. 1, ref. 40).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have a liquid crystal panel carrier comprising a box where the attaching element partitions the interior of the box into compartments of various sizes for panels of different sizes concurrently since one would be motivated to provide a carrier that does not constitute a hindrance to the substrate panels as they are inserted, removed, or thermally treated (Matsuda, col. 3, lines 48-52). This way, panels are various sizes can properly be fitted in the carrier without any obstruction (col. 3, line 61 – col. 4, line 6).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an interior bottom surface with cannelures since one would be motivated to provide a carrier that does not constitute a

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hindrance to the substrate panels as they are inserted, removed, or thermally treated (Matsuda, col. 3, lines 48-52). This way, panels are various sizes can properly be fitted in the carrier without any obstruction (col. 3, line 61 – col. 4, line 6). Furthermore, such a carrier ultimately provides increased shock protection and security of the panels (col. 1, line 45 – col. 2, line 21).

3. As per claims 3-7, Ejima, when modified by Matsuda, discloses the LC panel carrier as recited above, however, the references fail to specifically disclose the interior of the box comprising a bottom surface with cannellures with saw-tooth-like profile that matches the profile of the cannellures, and with lateral surfaces comprising a plurality of dovetail grooves and clamping sections.

Iwamoto discloses an LC panel container having an interior bottom surface with cannellures (fig. 1, ref. 40) with saw-tooth-like profile (fig. 1, ref. 42) that matches the profile of the cannellures, and with lateral surfaces comprising a plurality of dovetail grooves and clamping sections (fig. 1, ref. 44, 46).

It would have been obvious to one of ordinary skill in the art at the time the invention was made to have included an interior bottom surface with cannellures having a saw-tooth-like profile and having lateral surfaces comprising a plurality of dovetail grooves and clamping sections since one would be motivated to provide a carrier that does not constitute a hindrance to the substrate panels as they are inserted, removed, or thermally treated (Matsuda, col. 3, lines 48-52). This way, panels are various sizes can properly be fitted in the carrier without any obstruction (Matsuda, col. 3, line 61 – col. 4, line 6). Furthermore, such a

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carrier ultimately provides increased shock protection and security of the panels (col. 1, line 45 – col. 2, line 21).

4. Regarding claims 8-11, Ejima discloses the LC panel carrier as recited above with attaching elements (fig. 1, ref. 22) having protruding edges that constitute insertion slots for accommodating an LC panel and where the box is fabricated using a material harder than the attaching elements (fig. 3, ref. 13), such that the lateral surface of the attaching elements has a plurality of clamping sections (fig. 3, ref. 13).

#### ***Response to Arguments***

5. Applicant's arguments filed August 16, 2005 have been fully considered but they are not persuasive.

Applicant's main argument is that none of the prior art references, namely the Ejima and Matsuda references, disclose the newly added limitation that the compartments of various sizes are "for accommodating panels of various sizes concurrently." However, it is initially noted that it has been held that a recitation with respect to the manner in which a claimed apparatus is intended to be employed does not differentiate the claimed apparatus from a prior art apparatus satisfying the claimed structural limitations. *Ex parte Masham*, 2 USPQ2d 1647 (1987). Here, Applicant has not provided any additional structures to provides such an adaptation or function. Thus, the assertion to set forth certain uses of a structure without setting forth specific physical structures or means to meet such

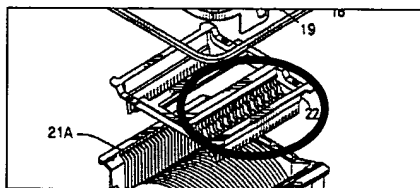


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characteristics, either in the claims or specification, are considered to have unpatentable weight.

Even assuming Applicant's arguments had patentable weight, Applicant's arguments are found not to be persuasive. In responses to Applicant's first argument, Applicant's contention that the protruded elements of Ejima (or attaching elements) cannot be asserted into any of the corresponding supporting ribs is unfounded. Ejima clearly discloses a panel carrier (11) comprising a box (21) where the interior lateral surfaces of the box have a plurality of cannellures (21A) and a plurality of attaching elements (22). Here, the thin-plate presser members (22) are clearly inserted into cannellures (21A) as attaching elements.

In response to Applicant's second argument that Ejima fails to teach one of the lateral surfaces of the attaching elements, it is noted that the insertion direction of the panels has no bearing on the extension direction of the protruded direction as alleged by Applicant. In this instant case, Ejima's teaches a plurality of attaching elements (fig. 1, ref. 22) with protruding edges for any pair of neighboring edges of to accommodate a panel (see circled area of Fig. 1 reproduced below for clarification).



In response to Applicant's third argument that Matsuda can only house substrates at a time, it is noted that the Matsuda reference clearly teaches that

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even "panels having different width can be supported between the panel hold plates." Thus, the basis for the argument is not sufficiently grounded.

As a result, Applicant's amendment and arguments do not place the application in condition of allowance at the present time.

### ***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to George Y. Wang whose telephone number is 571-272-2304. The examiner can normally be reached on M-F, 8 am - 4:30 pm.

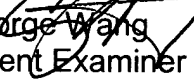
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert H. Kim can be reached on 571-272-2293. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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George Wang  
Patent Examiner  
AU 2871

October 30, 2005